

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 8, 2008. The defendant appeared following a summons issued in this case. The United States was represented by Susan Roe, and Defendant was represented by Michelle Shaw. Also present was U.S. Probation Officer Angela McGlynn. The proceedings were digitally recorded.

CONVICTION AND SENTENCE

19 Defendant was sentenced on October 12, 2007 by the Honorable Robert S. Lasnik for
20 Distribution of a Controlled Substance (Hydrocodone). He received 4 and one half months of
21 imprisonment and three years of supervised release.

PRIOR VIOLATION

On March 11, 2008 a violation report was submitted alleging defendant had failed to report

1 for electronic home monitoring. Defendant was arrested and admitted the violation. The Court
2 revoked defendant's term of supervision, sentenced him to 36 days, and ordered three years of
3 supervised release.

4 On May 29, 2008, the probation department requested a modification of defendant's
5 supervised release conditions allowing defendant to serve 135 days of home confinement, with
6 voice verification, rather than a 135 days of electronic home monitoring. The court approved
7 this modification on June, 2, 2008.

8 PRESENTLY ALLEGED VIOLATION AND
9 DEFENDANT'S ADMISSION OF THE VIOLATION

10 In petitions dated July 9 and 28, 2008, Supervising U.S. Probation Officer Angela McGlynn
11 alleged that defendant violated the following conditions of supervised release:

12 1. Using methamphetamine on or before July 7, 2008, in violation of standard condition
13 number seven.

14 2. Failing to comply with the home confinement program since July 14, 2008, in violation
15 of the special condition requiring the defendant to participate in the home confinement program
16 and directed by the probation officer for a period of 135 days.

17 3. Using methamphetamine on or before July 23, 2008, in violation of standard condition
18 number seven.

19 Defendant admitted the above violations, waived any hearing as to whether they occurred,
20 and was informed the matter would be set for a disposition hearing before Chief District Judge
21 Robert S. Lasnik.

22 RECOMMENDED FINDINGS AND CONCLUSIONS

23 Based upon the foregoing, I recommend the court find that defendant has violated the

PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO VIOLATIONS OF
SUPERVISED RELEASE -2

1 conditions of his supervised release as alleged above, and conduct a disposition hearing. The
2 defendant contested detention but was ordered detained pending disposition.

3 DATED this 8th day of August, 2008.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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